IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARIBEL RODRIGUEZ,	)	
	)	
Plaintiff,	)	
	)	**Case No. 06 C 3964**
v.	)	
	)	**Judge Joan B. Gottschall**
COOK COUNTY DEPARTMENT OF	)	
REVENUE, BARBARA BRUNO	)	**Magistrate Judge Denlow**
And BILL SEDLACK,	)	
	)	**JURY DEMAND**
Defendants.	)	

DEFENDANTS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

NOW COME Defendants, Cook County Department of Revenue, Barbara Bruno and Bill Sedlak, by their attorney, RICHARD A. DEVINE, State's Attorney of Cook County, through Arleen Anderson, Assistant State's Attorney, and in answer to Plaintiff's Amended Complaint state as follows:

INTRODUCTION

1. This is an action against Cook County Department of Revenue and two of its supervisory employees for their discriminatory treatment and retaliatory termination of Rodriguez, a female Hispanic individual.

ANSWER: Defendants admit that this is an action against Cook County Department of Revenue and two of its supervisory employees, alleging discriminatory treatment and retaliatory termination of Rodriguez, a female. Upon information and belief, Defendants admit the allegation that Rodriguez is Hispanic.

PARTIES

2. Plaintiff is an individual who presently resides in Chicago, Illinois. Plaintiff is a citizen of the United States of America and she is entitled to all the rights, privileges and immunities guaranteed to all citizens of the United States under the Constitution and Laws of the United States.

ANSWER: **Upon information and belief, Defendants admit the allegation contained in the first sentence of paragraph 2. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2 and thus deny those allegations.**

3. Defendant Cook County Department of Revenue ("Cook County") is a unit of local government and employs in excess of 500 employees. Cook County qualifies as an employer for purposes of Title VII and Section 1981.

ANSWER: **Defendants admit that Cook County is a unit of local government, employs in excess of 500 employees, and is an employer for purposes of Title VII and Section 1981.**

4. At all times relevant hereto, Defendants Bruno and Sedlack were supervisory employees employed by Defendant Cook County and were acting within the scope of their employment and under color of law.

ANSWER: **Defendants admit that at all times relevant hereto, Defendants Bruno and Sedlak were supervisory employees employed by Defendant Cook County. Defendants deny the remaining allegations contained in paragraph 4.**

JURISDICTION

5. This action arises under, and jurisdiction is founded on, 28 U.S.C. §§ 1331 and 1343(4) and 1367; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq*. as amended ("Title VII"); 42 U.S.C. § 1981(b) ("Section 1981"); and the Civil

Rights Act of 1991. Jurisdiction also lies under 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by Title VII and Section 1981.

ANSWER: **Defendants admit that this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331. Defendants admit that in this action, Plaintiff alleges claims against Defendants under Title VII of the Civil Rights Act of 1964; 42 U.S.C. § 1983; and 42 U.S.C § 1981. Defendants deny the remaining allegations contained in paragraph 5.**

6. Venue is proper pursuant to 28 U.S.C. § 1391 as this is the judicial district where a substantial part of the events or omissions giving rise to the claims occurred and, upon information and belief, where all parties reside.

ANSWER: Defendants admit the allegations contained in paragraph 6.

7. Plaintiff timely filed a Charge of Discrimination claiming she had been discriminated against on or about July 13, 2005.

ANSWER: **Defendants admit that Plaintiff filed a Charge of Discrimination claiming she had been discriminated against on or about July 13, 2005. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegation contained in paragraph 7 and thus deny that allegation.**

8. The U.S. Equal Employment Opportunity Commission ("EEOC") mailed a Notice of Right to Sue to Plaintiff on or about April 21, 2006. Plaintiff filed this action within 90 days of her receipt of that Notice. (A copy of the Right to Sue letter is attached as Exhibit A.).

ANSWER: **Defendants admit that the EEOC mailed a Notice of Right to Sue to Plaintiff on or about April 21, 2006. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 8 and thus deny those allegations.**

9. Plaintiff has exhausted her federal administrative remedies and under 42 U.S.C. §2000e-5 has standing to file a Title VII action against Defendants.

ANSWER: Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 and thus deny those allegations.

FACTS COMMON TO ALL COUNTS

10. Rodriguez began her employment with Defendant Cook County in or around June 2004 as an accountant.

ANSWER: Defendants admit the allegations contained in paragraph 10.

11. At all times relevant hereto, Rodriguez performed her work satisfactorily.

ANSWER: Defendants deny the allegation contained in paragraph 11.

12. During Plaintiff's employment, Bruno a non-Hispanic individual and Director of the Cook County Department of Revenue, repeatedly criticized Plaintiff for her choice of dress, her hair style and her shoes, even before there was an official dress code. The implication of Bruno's criticism was that Rodriguez dress and hair style were too flashy. Bruno did not criticize the dress or hair styles of similarly situated non-Hispanic employees.

ANSWER: Defendants deny the allegations contained in paragraph 12.

13. During her employment, Rodriguez was performing the work of a grade-14 employee but was only paid at the level of a grade 11 employee. A similarly situated non-Hispanic employee who was only performing the work of a grade 11

employee received a promotion to grade 14 and grade 14 pay. Rodriguez did not receive a promotion at anytime during her employment.

ANSWER: Defendants admit that Rodriguez did not receive a promotion at anytime during her employment. Defendants deny the remaining allegations in paragraph 13.

14. Beginning in or around December 2004, Sedlack, Plaintiff's immediate supervisor, began a campaign of sexual harassment against Rodriguez, which included unwanted touching of Plaintiff by Sedlack, and repeated sexually offensive comments directed at Rodriguez. Said comments were unwelcome, were severe and pervasive, and unreasonably interfered with Rodriguez's ability to function in her workplace.

ANSWER: Defendants deny the allegations contained in paragraph 14.

15. Rodriguez complained to Bruno on several occasions during her employment about her pay grade level, Bruno's comments about Rodriguez's dress and hairstyle, and about Sedlack's sexual harassment of her. Bruno, however, refused to do anything about Rodriguez's complaints.

ANSWER: Defendants deny the allegations contained in paragraph 15.

16. In or around May 2005, Plaintiff was suspended allegedly for inappropriate use of her computer. Plaintiff did not use her computer inappropriately.

ANSWER: Defendants admit that Plaintiff began an Administrative Leave with no pay in or around May 2005 for inappropriate use of her computer. Defendants deny the remaining allegations contained in paragraph 16.

17. Plaintiff was terminated by Defendant Cook County on or about June 17, 2005.

ANSWER: **Defendants admit the allegations contained in paragraph 17.**

18. Defendant, Cook County, through Bruno and Sedlack, retaliated against Rodriguez for complaining by making false disciplinary allegations against her, suspending her and eventually terminating her.

ANSWER: **Defendants deny the allegations contained in paragraph 18.**

COUNT I – SEXUAL HARASSMENT UNDER TITLE VII

19. Plaintiff realleges paragraphs 1 – 18 as paragraph 19.

ANSWER: **Defendants reassert the above answers to the allegations contained in paragraphs 1 - 18.**

20. Defendant Sedlack committed sexual harassment against Plaintiff.

ANSWER: **Defendants deny the allegation contained in paragraph 20.**

21. Defendants' actions constituted malicious and reckless indifference to Rodriguez's federally protected rights.

ANSWER: **Defendants deny the allegations contained in paragraph 21.**

22. As a proximate result of the discriminatory treatment alleged above, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress and other forms of damage.

ANSWER: Defendants deny the allegations contained in paragraph 22.

COUNT II – RACE DISCRIMINATION
TITLE VII and SECTION 1981

23. Plaintiff reasserts and realleges paragraphs 1 – 18 as paragraph 23.

ANSWER: Defendants reassert the above answers to the allegations contained in paragraphs 1 - 18.

24. As alleged above, plaintiff was subjected to race discrimination in violation of Title VII and Section 1981.

ANSWER: Defendants deny the allegations contained in paragraph 24.

25. The conduct of the Defendants with respect to Plaintiff constituted malice or reckless indifference to Plaintiff's federally protected rights.

ANSWER: Defendants deny the allegations contained in paragraph 25.

26. As a proximate result of the racially discriminating practices alleged above, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

ANSWER: Defendants deny the allegations contained in paragraph 26.

COUNT III
RETALIATION IN VIOLATION OF SECTION 1981

27. Rodriguez reasserts and realleges Paragraph 1 – 18 as Paragraph 27.

ANSWER: Defendants reassert the above answers to the allegations contained in paragraphs 1 - 18.

28. In response to Plaintiff's complaints to Bruno about race discrimination, Defendants subjected her to the adverse and retaliatory employment actions as alleged above.

ANSWER: Defendants deny the allegations contained in paragraph 28.

29. Section 1981 prohibits retaliation against employees on the basis of race.

ANSWER: **Defendants admit that case law provides that § 1981 applies to claims of retaliation**.

30. As a proximate result of the retaliatory practices alleged herein, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

ANSWER: **Defendants deny the allegations contained in paragraph 30.**

COUNT IV
SECTION 1983

31. Rodriguez reasserts and realleges Paragraphs 1 – 18 as paragraph 31.

ANSWER: **Defendants reassert the above answers to the allegations contained in paragraphs 1 - 18.**

32. As alleged above, the conduct by Defendants Bruno and Sedlack toward Plaintiff constituted violations of Plaintiff's federally protected rights under Title VII and Section 1981.

ANSWER: **Defendants deny the allegations contained in paragraph 32.**

33. The misconduct alleged above was objectively unreasonable and was undertaken intentionally with willful or reckless indifference to Plaintiff's federally protected rights.

ANSWER: **Defendants deny the allegations contained in paragraph 33.**

34. As a proximate result of the misconduct alleged herein, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

ANSWER: **Defendants deny the allegations contained in paragraph 34.**

DEFENSES

1. Plaintiff's action is time-barred.

2 Defendants Barbara Bruno and Bill Sedlak are entitled to qualified immunity.

3. Defendant Cook County may assert the *Ellerth/Faragher* affirmative defense.

4. Punitive damages are not available against Cook County.

Respectfully submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

By: **S/Arleen Anderson**
Arleen Anderson
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-5471